

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Amelink et al.

Application Number: 10/573,337

Filing Date: March 23, 2006

Title: METHOD AND DEVICE FOR BACKSCATTER SPECTROSCOPY

STATEMENT OF FILING BY EXPRESS MAIL 37 C.F.R. SECTION 1.10

This correspondence is being deposited with the United States Postal Service on February 21, 2007 in an envelope as "Express Mail Post Office to Addressee" Mail Label Number ER 059 678 021 US addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

INFORMATION DISCLOSURE STATEMENT

This Information Disclosure Statement (hereinafter sometimes referred to as "IDS") is submitted in accordance with 37 C.F.R. §§1.97 and 1.98, and it is requested that the information set forth in this statement and in the listed documents be considered during the pendency of the above-identified application, and any other application relying on the filing date of the above-identified application or cross-referencing it as a related application.

TIMELINESS

This IDS should be considered, as it is filed:

☒ in accordance with 37 C.F.R. § 1.97(b):

☐ 1. within three months of the filing date of the above-identified national application.

☐ 2. within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in the above-identified application being an international application.

☒ 3. before the mailing date of a first office action on the merits.

☐ 4. before the mailing date of a first office action after the filing of a request for continued examination (RCE) under 37 C.F.R. § 1.114.

☐ in accordance with 37 C.F.R. § 1.97(c), this IDS being filed after the times set forth in 37 C.F.R. § 1.97(b), but before the mailing date of either a final action under 37 C.F.R. §1.113 or a notice of allowance under 37 C.F.R. §1.311, and either the necessary statement pursuant to 37 C.F.R. §1.97(e) appears below (see box C1) or the necessary fee is submitted (see box C2 below).

(check one of the boxes opposite C1 or C2 below)

☐ C1 (check the applicable statement)

☐ I, the undersigned, hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

☐ I, the undersigned, hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

☐ C2 the fee set forth in 37 C.F.R. §1.17(p), presently believed to be \$ 180.00, is submitted.

☐ in accordance with 37 C.F.R. § 1.97(d), this IDS being filed after the times set forth in 37 C.F.R. §§ 1.97(b) and (c), but before payment of the issue fee, and both the necessary statement pursuant to 37 C.F.R. §1.97(e) appears below and the necessary fee as set forth in 37 C.F.R. §1.17(p), presently believed to be \$ 180.00, is submitted.

(check one of the boxes D1 or D2 below)

☐ D1 I, the undersigned, hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

☐ D2 I, the undersigned, hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

PAYMENT OF FEES

If any fees are due in accordance with 37 C.F.R. §§ 1.97(c) or (d):

☐ A check for the fee set forth in 37 C.F.R. §1.17(p), presently believed to be \$ 180.00, is enclosed.

☐ Authorization to charge deposit account 01-0035 for the fee set forth in 37 C.F.R. §1.17(p), presently believed to be \$ 180.00, is enclosed.

SUBMISSION OF ITEMS OF INFORMATION

In accordance with 37 C.F.R. §1.98(a)(1), this IDS includes a list on form PTO/SB/08A (Form PTO-1449) of all patents, publications, or other information submitted for consideration by the Office, incorporated into this IDS as an attachment hereto. Pursuant to 37 C.F.R. §1.98(b): (i) each U.S. patent listed is identified by patentee, patent number, and issue date; (ii) each foreign patent or published foreign patent application is identified by the country or patent office which issued the patent or published the application, an appropriate document number, and the publication date indicated on the patent or published application; and (iii) each publication is identified by author (if any), title, relevant pages of the publication, date, and place of publication. A legible copy of each document listed is attached and incorporated into this IDS, except that no copy of any U.S. patent or patent application is included pursuant to 37 C.F.R. §1.98(a)(2)(iii) and except as explained below. (check the boxes opposite A and/or B and fill in blanks, if appropriate)

☐ A. Document _____ is substantively cumulative to document _____, and, in accordance with 37 C.F.R. §1.98(c), only a copy of each of the latter document is attached.

☐ B. Certain documents were previously cited by or submitted to the Office in the following prior application(s), which are relied upon for an earlier filing date under 35 U.S.C. §120: [insert application numbers and filing dates of prior applications]

These documents are identified by attaching hereto copies of the forms PTO-892 and/or PTO-1449 from the files of the prior application(s) and the applicant requests that they be considered and made of record in this application in accordance with 37 C.F.R. §1.98(d). Pursuant to 37 C.F.R. §1.98(d), copies of these documents need not be provided with this IDS.

RELEVANCE OF NON-ENGLISH ITEMS OF INFORMATION

Document _____ is not in the English language. In accordance with 37 C.F.R. §§1.98(a)(3) and 1.98(c), it is stated that: (check the applicable statement(s))

☐ An English translation of each of the documents _____ (or of the pertinent portions thereof) is enclosed and, thus no concise explanation of its relevance is required, (see M.P.E.P., §609).

☐ English-language equivalent(s) of each of the documents _____ (or of the pertinent portions thereof) which is in fact a translation of the respective document is enclosed.

☐ The attached English-language version of a search report or other action by a foreign patent office in a counterpart foreign application which cites the document _____ and which indicates the degree of relevance found by the foreign office is submitted to satisfy the requirement for a concise explanation of the relevance of each document, (see M.P.E.P., §609).

☐ A concise explanation of the relevance of each of the documents _____ is set forth as follows:
[insert concise explanation of relevance]

☐ A concise explanation of the relevance of each of the documents
_____ is be found on page _____ of the specification.
☐ A concise explanation of the relevance of each of the documents
_____ is be found on the attached sheet.

ADDITIONAL INFORMATION

The following information is being provided for the Examiner's consideration follows:

☐ Other information:

☒ The submitted documents were previously cited in the International Search Report of the international application of which the present application is a national stage filing.

In accordance with 37 C.F.R. §§1.97(g),1.97(h), the filing of this IDS shall not be construed as a representation that a search has been made or as an admission that information cited in this IDS is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b). Unless otherwise indicated, the date of publication indicated for an item is taken from the face of the item and Applicant reserves the right to prove that the date of publication is in fact different.

Please charge any deficiency or other fees or credit any refund or overpayment to Deposit Account No. 01-0035.

Respectfully submitted,



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Date: February 21, 2007

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Form PTO-1449		PTO/SB/08A		Application Number		10/573,337	
LIST OF ITEMS OF INFORMATION CITED BY APPLICANT (accompanying Information Disclosure Statement and copies of items, if required)				Filing Date		03/23/2006	
				First Named Inventor		Amelink	
				Art Unit			
				Examiner Name			
Sheet	1	of	1	Attorney Docket Number		207,517	
U.S. PATENT DOCUMENTS							
Examiner Initials*	Document Number listing Number and Kind Code (if known)	Publication Date MM-DD-YYYY	Patentee or Applicant of Cited U.S. Document	Pages, Columns, or Lines, Where Relevant Passages or Figures Appear			
/AB/	US 6,381,018 B1	04-30-2002	Bigio et al.	Column 5, lines 19-39; FIGS. 1, 2a; Column 8, line 44 to column 9, line 13.			
/AB/	US 2002/0171831 A1	11-21-2002	Backman et al.	Paragraphs [0024] to [0031], [0046] to [0047]; FIG. 7.			
FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Document Number listing Country Code, Number, and Kind Code (if known)	Publication Date MM-DD-YYYY	Document in English ?		Pages, Columns, or Lines, Where Relevant Passages or Figures Appear		
			Yes	No			
NON-PATENT LITERATURE DOCUMENTS							
Examiner Initials*	Name of the author (if known) in capital letters, title of the document, name or title of the source of the document, date of publication, pages, volume and issue numbers, publisher, and city and/or country where published						
/AB/	International Search Report of PCT/NL2004/000657, dated January 28, 2005.						
Examiner Signature	/Aditya Bhat/			Date Considered	09/22/2008		
*Examiner: Initial if reference considered, whether or not citation is in conformance with M.P.E.P. § 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.							

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /AB/